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The situation in the Middle East

Letter dated 27 July 1998 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

The Palestinian National Covenant is the founding charter of the Palestine Liberation Organization (PLO), delineating the organization's stated aims and goals. Almost all of the articles in the Covenant explicitly or implicitly deny Israel's right to exist and reject any peaceful solution to the Arab-Israeli conflict. For example, article 19 states, "the establishment of Israel is fundamentally null and void, whatever time has elapsed ...", while article 15 calls for "the liquidation of the Zionist presence in Palestine". Article 22 again asserts that "the liberation of Palestine will destroy the Zionist and imperialist presence and will contribute to the establishment of peace in the Middle East ...".

The Covenant also denies the existence of the Jewish people as a nation and any ties that it might have to the Land of Israel (article 20): "Nor do Jews constitute a single nation." It declares that "armed struggle is the *only* [emphasis added] way to liberate Palestine" (article 9). There is no question that the Palestinian National Covenant calls for politicide: the destruction of the State of Israel.

For this reason, all Israeli Governments have insisted on the revision of the Palestinian National Covenant as a fundamental requirement in any process of mutual recognition and reconciliation between Israel and the PLO. On 9 September 1993, in his exchange of letters with the late Prime Minister Yitzhak Rabin, PLO Chairman Yasser Arafat affirmed in the name of the PLO that those articles of the Covenant which deny Israel's right to exist (and were inconsistent with the PLO's new commitments) were inoperative and no longer valid. Mr. Arafat, moreover, made a commitment to submit the necessary changes in the Covenant to the Palestinian National Council (PNC) for formal approval.

The PLO reaffirmed this commitment again on 4 May 1994 in the Agreement on the Gaza Strip and Jericho Area. The PLO reaffirmed this commitment, yet another time, on 28 September 1995 with the signing of the "Oslo II" Interim Agreement.

On 24 April 1996, the Palestinian National Council (PNC) convened in Gaza and adopted a resolution concerning the Covenant by a vote of 504 to 54 with 14 abstentions. Translated from the Arabic, the text of the resolution read as follows:

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"It has been decided upon:

1. Amending the National Charter by cancelling the articles that are contrary to the letters exchanged between the PLO and the Government of Israel, on 9 and 10 September 1993.

2. The empowerment of a legal committee with the task of redrafting the National Charter. The Charter will be presented to the first meeting of the Central Council."

The pivotal problem with the PNC resolution is that it did not change the Covenant. While the PNC declared its readiness in principle to change the document, the only practical step taken was the empowerment of a legal committee to draft a new Covenant for presentation at a future date. Two days before the PNC meeting, Mr. Arafat's deputy, Mahmud Abbas (Abu Mazen), informed the Israeli Government that an unambiguous revision of the Covenant would not be approved by the PNC. Therefore, the PNC resolution that was ultimately drafted was intentionally vague.

Since the Covenant is a legally binding document, declaring a willingness to alter it does not amount to amending it. No changes were adopted and implemented by the PNC, nor was there any specific mention of articles to be amended. While Israeli and American spokesmen were hopeful at the time that, despite this ambiguity, the Palestinian National Covenant had at last been changed, subsequent statements by Palestinian spokesmen confirmed that, in fact, no revision had been made.

At the time of the vote, senior PLO officials acknowledged that the Covenant had not been changed. PLO Executive Committee member Sakhr Habash said, "the text of the charter remains as it is since it has not been amended yet. Therefore, it is frozen, not cancelled." (*An-Nahar*, 5 May 1996). An internal report published shortly after the PNC vote by the Research and Thought Department of the Fatah Organization (Fatah Publication Number 8, Nissan 1996) contained a similar determination. The report stated, "The text of the Palestinian National Covenant remains as it was and no changes *whatsoever* [emphasis added] were made to it. This has caused it to be frozen, but not annulled".

The PNC itself failed to make any mention of changing the Covenant in its closing statement at the end of its session, on 25 April 1996. The PNC did publish a concluding document summarizing its activity, which included 19 specific resolutions and decisions on subjects ranging from Jerusalem to Israeli settlements. But it contained no reference to any decision to amend the Covenant (*Al-Quds*, 26 April 1996; *Voice of Palestine*, 26 April 1996).

Less than a month after the PNC vote, PNC Chairman Selim Zaanoun asserted that the Covenant had been amended but added that "no specific articles" were cancelled (*An-Nahar*, 16 May 1996). In an interview on 22 January 1998, Faisal Hamdi Husseini, head of the PNC's legal committee, said "The change has not yet been carried out."

In the Note for the Record, which accompanied the 15 January 1997 Hebron Protocol, the PLO made an explicit commitment to "Complete the process of revising the Palestinian National Charter". This was an open acknowledgement that, until that point, it had failed to change the Covenant, for otherwise there would be no need to "complete the process" of revising it. This was the *fourth* time the PLO undertook to revise the Covenant since the beginning of the Oslo process.

It should be added that Chairman Arafat committed himself to the Note for the Record, which was also signed by United States Ambassador Dennis Ross on behalf of the United States of America. That agreement included an explicit commitment to the principle of

reciprocity: Israel would not be expected to implement its commitments if the PLO did not fulfil its pledges, including its pledge to revise the Covenant.

Article 33 of the Covenant states that the only body empowered to change the document is the Palestinian National Covenant (PNC) and that such changes must be approved by a two-thirds majority of the PNC in a special session. Thus, Chairman Arafat's recent letters on the subject to world leaders, like President Clinton or Prime Minister Blair, are insufficient. Under the procedure outlined by the Covenant itself, Chairman Arafat's letters have no legal bearing on the text of the document. Therefore, the PLO's obligation to convene the PNC in order to amend the Covenant remains unfulfilled.

As the late Prime Minister Yitzhak Rabin said in a speech to the Knesset on 5 October 1995, at the time of the ratification of the "Oslo II" Interim Agreement: "The Palestinian Authority has not up until now honoured its commitment to change the Palestinian Covenant ... I view these changes as a supreme test of the Palestinian Authority's willingness and ability, and the changes required will be an important and serious touchstone vis-à-vis the continued implementation of the agreement as a whole".

Given all the contradictory statements that have been made by mainstream Palestinian officials about the Covenant, Israel must be insistent that this change be carried out in a clear-cut and indisputable manner. No nation can agree to make itself more vulnerable, in a negotiating process, when its negotiating partner remains ambiguous about whether it still intends to wage a war of destruction.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly under agenda item 37 entitled "The Situation in the Middle East."

(*Signed*) Ambassador Dore **Gold**
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